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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,173	06/21/2000	Bernd Moller	2789-17	6943

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Nixon & Vanderhye PC
8th Floor
1100 North Glebe Rd
Arlington, VA 22201-4714

EXAMINER
NIEVES, MICHAEL A

ART UNIT	PAPER NUMBER
2185	7

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/598,173	MOLLER ET AL
	Examiner	Art Unit
	Michael A Nieves	2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 6-9, 11-18, 22-25, 27-30, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by DeRoo et al. (hereinafter DeRoo) US Patent No. 6,009,495.

4. As per claims 1 and 17, DeRoo discloses a system comprising:

A processor for executing routines [column 101, lines 13-14], and

A memory for storing program routines to be executed by said processor [column 100, lines 58-60, bootstrap software], where

At least a part of said memory is arranged as a protected part from which data can be read but which is protected against being written into [column 99, line 66 thru column 100, line 46], and

Said processor is arranged to necessarily execute a program routine stored in said protected part of said memory upon start-up [column 100, lines 58-67, bootstrap must executed upon startup].

5. As per claims 2 and 18, DeRoo discloses said processor stores permanent start addresses that are necessarily called upon start-up of said processor [it is inherent that a processor would contain start addresses upon start-up], where at least one of said start addresses points to said protected part of said memory [column 3, lines 24-40].

6. As per claims 6 and 22, DeRoo discloses a plurality of memory devices, one of which comprises said protected part [Figure 27].

7. As per claims 7 and 23, DeRoo discloses said protected area is arranged such that a mechanism is provided such that after data is initially stored in said protected part, any subsequent writing of data is blocked [column 99, line 66 thru column 100, line 46, preventing writes; column 102, line 62-67].

8. As per claims 8 and 24, DeeRoo discloses writing data into said protected part [column 103, lines 1-3], and sending a signal to said protected part in response to which write line is permanently interrupted [column 101, lines 49-53; column 102, lines 63-67, it is inherent that the write control signal could be permanently in place to permanently inhibit writes].

9. As per claims 9 and 25, it is inherent that a routiner in the art would use a fusible link to permanently interrupt a line, thus causing an open.

10. As per claims 11 and 27, DeRoo discloses said memory comprising an EEPROM [column 101, lines 41-43].

11. As per claims 12, 13, 28, and 29, it is inherent that the memory chip is electrically connected to the circuit board [Figure 26].

12. As per claims 14-16 and 30, DeRoo discloses devices in need of the substantially described claimed invention [column 2, lines 19-21].

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 3-5 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRoo et al. (hereinafter DeRoo) US Patent No. 6,009,495 as applied to claims 1-2, 6-9, 11-18, 22-25, 27-30 above, and further in view of Davis et al. (hereinafter Davis) US Patent No. 6,401,208.

15. As per claims 3 and 19, DeRoo discloses the claimed invention substantially. DeRoo discloses said protected part of said memory is a first part, and said memory further comprises a second part into which data can be written [Figure 27, first part is the boot block, second part is the bios].

DeRoo does not expressly disclose the program routine from said protected part upon start-up comprises checking for changes in at least a part of the data contained in said second part.

However, Davis discloses authenticating software code, before permitting host processor to execute the software code [column 2, lines 26-28].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references because both are directed to

memory containing system BIOS. The teachings of Davis would have provided DeRoo the ability to check if the BIOS of the system had been changed in anyway upon startup. Although the boot block is protected from being written into the BIOS is susceptible to unauthorized changes. Therefore the DeRoo/Davis system would be able to identify BIOS corruption and take appropriate actions.

16. As per claims 4 and 20, Davis discloses calculating a characteristic parameter for data being checked for changes, and comparing said characteristic parameter with a value in said second part [Figures 6B].

17. As per claim 5 and 21, Davis discloses said characteristic parameter is a checksum [Figures 6B].

18. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRoo et al. (hereinafter DeRoo) US Patent No. 6,009,495 as applied to claims 1-2, 6-9, 11-18, 22-25, 27-30 above, and further in view of Kynett et al. (hereinafter Kynett) US Patent No. 5,546,561.

19. As per claims 10 and 26, DeRoo discloses the claimed invention substantially. DeRoo does not expressly disclose a finite state machine.

However Kynett discloses a finite state machine defining a state, which protects said protected part from being written into [column 6, lines 1-7].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references because both are directed to controlling the write and read of memory. The teachings of Kynett would have provided DeRoo the ability to protect the boot block from being written into. Using a state machine would simplify the process by decreasing the system throughput [Kynett, column 2, lines 47-57].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A Nieves whose telephone number is (703) 305-7583. The examiner can normally be reached on m-f 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 304-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Nieves
March 10, 2003

THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100